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C O N F I D E N T I A L SECTION 01 OF 03 TBILISI 001772

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [UNSC](#) [UNGA](#) [CVIS](#) [RS](#) [GG](#)
SUBJECT: GEORGIA: VISAS FOR DE FACTOS - THE CASE AGAINST

REF: A. USUN 0853
[1](#)B. 9/24/08 BRANCATO-HUNT EMAIL

Classified By: Charge d'Affaires a.i. Kent Logsdon for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary. According to ref A, Russia has indicated it intends to seek U.S. visas for Abkhaz and South Ossetian de facto officials to travel to New York for discussions at the UN. In post's view, the issuance of such visas could undermine U.S. policy on the status of the regions; legitimize Russian actions in the regions; set an unhelpful precedent for analogous situations; legitimize the authority of the de facto officials; and reduce our leverage in future negotiations. There may be situations when visas for residents of Abkhazia and South Ossetia make sense, and post recommends a flexible approach on such applications. In the case outlined in ref A, however, post strongly recommends against issuing visas to facilitate the travel proposed in ref A. End summary.

U.S. Policy on the Status of the Regions and Russia's Actions

[1](#)2. (C) As confirmed by numerous statements by the President, the Vice President, the Secretary and other senior officials, the United States considers Abkhazia and South Ossetia part of Georgia. U.S. acceptance of official documents that call that status into question therefore could be used to question the U.S. commitment to its own policy, particularly in light of the recognition by Russia, Nicaragua and Venezuela of the regions' independence. Issuing a visa to an applicant from Abkhazia, Georgia or South Ossetia, Georgia who does not present a Georgian passport and who does not list his or her country of residence as Georgia could be interpreted as suggesting that the United States admits some deterioration of Georgia's sovereignty over those regions.

[1](#)3. (C) Although Abkhazia produces what it calls a "passport," even Abkhaz de facto officials recognize that this document is unlikely to be accepted by most countries as a legitimate travel document. Applicants from both Abkhazia and South Ossetia, which does not yet issue a "passport," are therefore likely to apply for a visa in Moscow by presenting a Russian passport. Russia began issuing passports to local residents years before it recognized the regions' independence, even though the residents are generally unable to show a clear claim to Russian citizenship, and has issued them to a large percentage of the residents of the two regions. Accepting their use of Russian passports, therefore, legitimizes Russia's apparent effort to undermine Georgian sovereignty in the regions.

[1](#)4. (C) Russia's actions in extending citizenship benefits to individuals outside its borders raise troubling questions about its self-declared right to assert its influence wherever it unilaterally decides it has an interest in doing

so. Accepting as legitimate passports issued to such populations could be perceived as accepting that so-called right. Post understands that, as a general rule, the United States does not question other sovereign states' decisions on who qualifies for citizenship. At the same time, post also understands that there are precedents for refusing to accept certain travel documents on the basis of the U.S. government's unwillingness to accept the nationality denoted in the document (ref B). Not only because of current Qin the document (ref B). Not only because of current concerns over Russia's policy in Georgia, but also because of concerns over Russia's policy in other places, such as Ukraine, or any country's effort to assert its right to interfere in another sovereign nation's internal affairs to protect "its citizens," post urges caution in taking any actions that tend to suggest U.S. acceptance of such practice.

Legitimizing the de factos

15. (C) Issuing visas to de facto officials in order to facilitate their involvement in international discussions about Abkhazia or South Ossetia could confer upon them an unwarranted degree of legitimacy as representatives of the residents of the regions. In Abkhazia, approximately a third of the current population -- the ethnic Georgians of Gali -- are generally treated as second-class citizens and not allowed full access to the political process. A recent amendment to Abkhaz law that extended full Abkhaz "citizenship" rights to Gali residents was passed, but then repealed a week later by the Abkhaz legislature because of protests from the ethnic Abkhaz population over the "threat" posed by ethnic Georgians' involvement in the local political

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process. Furthermore, a very large number of internally displaced persons (IDPs) from Abkhazia -- over 200,000 according to government figures -- remain unable to return to their places of residence, much less participate in the political process. Thus the Abkhaz de facto authorities represent a very small proportion of Abkhazia's rightful population.

16. (C) These concerns are particularly acute now, as Abkhazia prepares for "presidential" elections in December. An appearance by a current de facto official in New York could influence the local population's perception of the ruling party's legitimacy, and likewise could be used by the visiting official to portray the elections as a legitimate reflection of the will of the population of Abkhazia.

17. (C) The South Ossetian de facto authorities likewise have excluded ethnic Georgians from the South Ossetian political process by removing them from South Ossetia. International organizations agree that approximately 30,000 ethnic Georgians were ethnically cleansed from South Ossetia after the August 2008 war and are currently unable to return. The current population of South Ossetia is in dispute, but estimates range from 12,000 to 50,000. Like in Abkhazia, the South Ossetian de facto authorities do not represent the entire rightful population of South Ossetia.

18. (C) Both Abkhazia and South Ossetia also have governments-in-exile, who support and are supported by the government of Georgia. Any discussions at the UN about the situation in the regions must be carefully calibrated so as to ensure that all elements of the regions' population are represented. Facilitating the involvement of de facto officials without that calibration could suggest to the international community that they have some claim as the legitimate authorities in the regions, as well as legitimize the de facto authorities' action in ethnically cleansing their territories.

Maintaining Leverage

19. (C) On a more practical level, the international community

has only begun to grapple with the long-term resolution of the situation in Georgia. Both Russian and de facto authorities attempt to seize on any lever they can to increase the strength of the regions' claim to independence. An audience with the UN, even if it conveyed to the de factos no formal standing whatsoever, would be portrayed by Russia and the de facto authorities as a significant step toward their arrival as full-fledged members of the international community. The international community in general, and the U.S. government in particular, should not concede that opportunity lightly. Russia and the de factos should be required to make significant concessions to gain even such a symbolic victory.

¶10. (C) During the recent efforts to negotiate a renewed mandate for a UN observer mission in Georgia, for example, one possibility considered was to allow the de facto authorities to participate in an Arria-style discussion in New York. The Georgian government was adamantly opposed. Before agreeing to set aside some of the concerns outlined above and allow any such discussion to take place, the United States should expect concrete progress on substantive issues. Russia, for example, blocked a continued mandate for both the UN and OSCE observer missions. In the Geneva talks on the UN and OSCE observer missions. In the Geneva talks on Georgia, the Russians and Abkhaz and South Ossetian de factos have resisted discussing the implementation of a new international monitoring or policing force to enhance stability. They have likewise resisted any serious discussion of IDP returns. The Russians and South Ossetian de facto authorities have blocked humanitarian access to South Ossetia. Granting an audience at the UN without real movement on some of these crucial issues would reduce the ability to use de facto interest in an audience to gain that movement.

Practicality vs. Principle

¶11. (C) Post does not believe an absolute policy prohibiting all travel from the regions is appropriate. There may well be instances in which travel to the United States by residents of Abkhazia and South Ossetia serves the interests of the United States. In recent discussions about re-engagement with the regions, for example, a number of interlocutors -- including from within the Georgian government -- have encouraged us to consider re-establishing

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youth, academic, and cultural exchanges with the regions. To do so, we would need to find a practical approach to handling travel documents and issuing visas.

¶12. (C) Post urges the Department to seek flexible and creative approaches to handling visa applications from de facto officials, and residents of the separatist regions more generally, to prevent the erosion of key policy positions while enabling the promotion of new policy initiatives. If we cannot avoid granting visas to residents of Georgia presenting Russian passports, for example, we may want to explain that we do so not because we acknowledge Russia's claim on those individuals as citizens, but because we do not recognize the independence of the regions. We may want to insist on applicants noting "Georgia" as their country of residence -- or at least leaving the country blank. If circumstances warrant, we may need to refuse applicants on the basis of 214(b) if they apply from out of their home district (i.e., Georgia); in other cases, post may be in a position to supply additional information supporting an applicant's assertion of local ties, thereby overcoming the out-of-area concerns.

¶13. (C) In the case of the travel by de facto officials proposed in ref A, post strongly recommends against issuing visas to facilitate that travel.

LOGSDON